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Security Council

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Letter dated 5 December 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey to you herewith, for transmittal to members of the Security Council, the text of letters exchanged between the United Nations Secretariat and the Permanent Mission of Iraq to the United Nations following the adoption by the Council of resolution 1382 (2001) of 29 November 2001, extending for an additional period of 180 days, effective 1 December 2001, the memorandum of understanding of 20 May 1996 concerning the implementation of resolution 986 (1995) (see annexes I and II).

(*Signed*) Kofi A. **Annan**

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Annex I

Letter dated 1 December 2001 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the Permanent Representative of Iraq to the United Nations

I have the honour to refer to Security Council resolution 1382 (2001) of 29 November 2001, by which the Council decided, inter alia, that the relevant provisions of its resolution 986 (1995) will remain in force for a new period of 180 days beginning at 0001 hours, United States Eastern Standard Time, on 1 December 2001. I should also like to refer to an exchange of letters between the Secretariat of the United Nations and the Permanent Mission of Iraq to the United Nations dated 5 July 2001, extending, in the light of Security Council resolution 1360 (2001) of 3 July 2001, the memorandum of understanding of 20 May 1997 between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995) for a period of 150 days, effective 4 July 2001.

In view of the foregoing, I have the honour to propose that the provisions of the memorandum of understanding of 20 May 1996 be extended for an additional period of 180 days, effective 1 December 2001.

It is understood that the distribution plans which have already been approved but have not yet been implemented shall continue to apply for goods purchased with oil revenues generated under the respective Security Council resolutions.

If your Government agrees to this proposal, I suggest that the present letter, and your reply thereto, shall constitute an agreement between the Secretariat of the United Nations and the Government of Iraq. This, however, does not apply to the second sentence of your reply, which is a unilateral statement by the Government concerning matters outside the scope of the mandate of the Secretariat in relation to the present exchange of letters, and which furthermore, as we understand it, does not affect the nature of the applicable resolutions adopted in accordance with relevant provisions of the Charter of the United Nations.

(*Signed*) Hans **Corell**
Under-Secretary-General for Legal Affairs
The Legal Counsel

Annex II

Letter dated 1 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Under-Secretary-General for Legal Affairs, the Legal Counsel

I have the honour to inform you that the Government of the Republic of Iraq has agreed to the proposal contained in your letter of 1 December 2001 for the extension of the provisions of the memorandum of understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996 for an additional period of 180 days, effective 1 December 2001. In that connection, the Government of the Republic of Iraq wishes to confirm its position that it is not concerned with or committed to any resolutions, arrangements, measures, concepts or orientations not provided for in the memorandum of understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996 or not agreed upon by the Government of Iraq, and that the last sentence of your letter expresses the position of the Secretariat of the United Nations.

(*Signed*) Dr. Mohammed **Aldouri**
Ambassador
Permanent Representative of Iraq to the United Nations